IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

RPFC.No. 140 of 2007()

MC.286/2005 of FAMILY COURT, KASARAGOD
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REVISION PETITIONER/RESPONDENT

B.M.A.ABDUL KHADER, AGED 43 YEARS,
S/O.ABDUL RAHIMAN, DELI HOUSE, DELI, DELI KALANAD POST,
KASARAGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS: PETITIONER
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1. SAKEENA BANU, 31 YEARS,
W/O.B.M.A.ABDUL KHADER, D/O.ABDUL KHADER.

2. SALAHUDDEEN, AGED 13 YEARS.

3. FATHIMA SAIFA, AGED 7 YEARS.

4. SHANANA SHERIM, AGED 6 YEARS.
(ALL ARE RESIDING AT CHALIYANGOD, KALANAD POST AND VILLAGE, KASARAGOD TALUK.
RESPONDENTS 2 TO 4 ARE MINORS REPRESENTED BY THEIR MOTHER SAKEENA BANU, THE 1ST RESPONDENT).

BY ADV. SRI.T.B. SHAJIMON

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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R.P.(FC) NO. 140 OF 2007

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Dated this the 3rd day of April 2007

O R D E R

The revision petitioner is the counter petitioner/husband in Crl. M.C. No. 286/2005 filed under section 125 Cr.P.C and under orders to pay at the rate of Rs.2,000/- to the 1st petitioner,wife and at the rate of Rs.1,000/- to the 2nd petitioner,the elder child and at the rate of Rs.500/- to the petitioners 3 and 4, the younger children from the date of petition. The matter was adjudicated exparte.

2. The petitioner has sought for setting aside the order to present his part of the case before the court below. According to him, he was not served with notice. The above contention cannot be accepted as such. All the same, in the interest of complete adjudication of the matter I am inclined to allow the application on condition that the revision petitioner deposits the entire arrears of maintenance due to the children within one month from today onwards and continue to deposit at the above rate.

On depositing the above amount the court below shall permit the parties to adduce further evidence if they so desire and dispose of the matter on merits at the earliest. The revision petitioner shall appear before Family Court, Kasaragod on **07.05.2007**. Non bailable warrant pending if any shall be kept in abeyance till then.

The revision petition is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

RV